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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,157	11/22/2000	George Friedman	1206-PCT-US-00	7408

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IP GROUP OF DLA PIPER US LLP
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EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/701,157

Applicant(s)

FRIEDMAN ET AL.

Examiner

Paul Callahan

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-149 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 7, 9-65, 71-94, 98-107, 109-128, 131-147 and 149 is/are allowed.
- 6) ☐ Claim(s) 1-5, 8, 66-70, 95-97, 108, 129, 130, and 148 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-149 are pending in the instant application and have been examined.

Response to Arguments

2. Applicant's arguments filed May 4, 2007 have been fully considered but they are not persuasive.

The applicant argues that the rejections of independent claims 1, 95, 129, and 148 under 35 U.S.C. Sec. 103(a) as unpatentable over Schneck US 5,933,498, and Lee, US 6,163,859 are improper because the combination fails to teach the feature of "a hard drive that is partitioned or dedicated in any way" with regards to a vault. The Examiner counters that the claims do not recite language directed towards a specific partition of a hard drive and therefore the Applicant is arguing features that are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner maintains that Lee does indeed teach the feature of a dedicated hard drive space for a vault and storage of data associated with the vault. For example, in col. 4 lines 44-46 Lee discusses a hard drive vault where meta-data stored along with user data in the vault is an index of the vault.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-5, 8, 66-70, 95-97, 108, 129, 130, and 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck et al., US 5,933,498, and Lee et al., US 6,163,859.

By the latest amendment, filed May 4, 2007, only claims 1, 95, 129, and 148 have been amended. Each has been amended in the same way. Therefore the rejections of claims 2-5, 8, 66-70, 96, 97, 108, and 130 are not changed from the previous Office Action. The rejections of claims 2-5, 8, 66-70, 96, 97, 108, and 130 will not be repeated herein, but instead are hereby incorporated in their entirety by reference to the previous Office Action in the case. The Applicant is referred to the previous Office Action for the text of those rejections.

As for claim 1, Schneck teaches a method for maintaining data security (Abstract), comprising: creating a package comprising data bundled together with one or more permissions for regulating use of the data (fig. 1, fig. 2 items 120, 122 124, col. 7 lines 1-55, col. 10 lines 43-43, fig. 3 items 130-145) the one or more permissions comprising one or more usage rule sets (fig. 2 item 124, col. 7 lines 1-55, col. 10 lines 34-43, fig. 3 items 130-145); and providing a receiver for processing the package (col.

15 lines 20-63) and storing the data in the vault whose existence and contents are invisible to a user (col. 16 lines 27-59). Schneck does not teach a vault comprising dedicated hard drive space or a package associated with a vault. However Lee does teach these steps (fig. 1 item 106: Client Vault, col. 4 lines 10-21, 44-46). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this step into the system of Schneck. Motive to make this combination is found in Schneck col. 20 lines 20-26 and col. 15 line 36 where the use of a hard drive and a laptop computer are discussed as embodiments of the access mechanism. Therefore Schneck does contemplate use of a hard drive for some aspects of memory of the user access mechanism. It would be a simple step to dedicate space on the hard drive of Schneck to serve as a vault. It would be desirable to do so since one step in tamper prevention discussed by Schneck is erasure of data. A hard drive would facilitate this.

As for claim 95, the claim is directed towards the system that carries out the method of claim 1. Claim 95 recites substantially the same limitations as claim 1 and is therefore rejected on the same basis as is that claim.

As for claims 129, the claim is directed towards the computer program-product embodied in a memory medium that causes a processor to undertake the method steps set forth in claim 1. Claim 129 recites substantially the same limitations as claim 1 and is therefore rejected on the same basis as is that claim.

As for claim 148, the claim is directed towards the system that carries out the method steps set forth in claim 1. Claim 148 recites substantially the same limitations as claim 1 and is rejected on the same basis as is that claim.

Allowable Subject Matter

5. Claims 6, 7, 9-65, 71-94, 98-107, 109-128, 131-147 and 149 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



/Paul E. Callahan/

July 18, 2007


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER